



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,139	11/13/2001	N. Lennart Eriksson	LAGROTH-026	7721

7590 08/27/2004
Lener David Littenberg
Krumholz & Mentlik
600 South Avenue West
Westfield, NJ 07090

EXAMINER

YAO, SAMCHUAN CUA

ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/890,139

Applicant(s)

ERIKSSON ET AL.

Examiner

Sam Chuan C. Yao

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 19 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attached Examiner's remarks.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

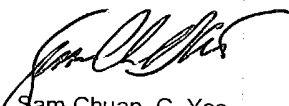
The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 6-8.Claim(s) withdrawn from consideration: 9 and 10.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Sam Chuan C. Yao
Primary Examiner
Art Unit: 1733

REMARKS

As for Counsel's argument on page 4 full paragraph 3 regarding no reference which shows a correlation between drying lignocellulosic particles and the moisture content of particles, it should be noted that, the claimed as presently recited do not require any showing of a correlation between drying lignocellulosic particles and the moisture content of particles. As noted previously, it is a common practice in the art to subject lignocellulose particle to a drying operation to obtain a desired moisture content.

See for example the following references: Wentworth (US 4,364,984; col. 9 lines 8-23), Gote et al (US 4,528,309; col. 3 lines 36-60), Nguyen et al (US 4,742,144; example 1), and Sleeter et al (US 5,607,633; col. 2 lines 32-50). In fact, Counsel appears to concede that it is old in the art dry lignocellulose particles before the particles are to subjected to a heat-pressing operation. See for instance, Counsel's argument on page 4 full paragraph 3.

As for Counsel's argument regarding the Pozzo patent teachings away from the claimed invention. Examiner strongly disagrees. The claims as presently recited do not preclude subjecting a resultant board to a baking operation. As for Counsel argument that "*Pozzo does not teach drawing air [having a predetermined moisture content] through the hardboard, but instead teaches the hardboard absorbing moisture from the humidification process*" (word inserted). First of all, is Counsel suggesting that, in a conditioning operation of the present invention, no moisture content is absorbed into a fiber board? Moreover, it is true that, Pozzo does not explicitly teach drawing air through a fiber board. However, a modified humidification process taught by Pozzo in light of the

teachings of WO '208 would have drawn moisturized air through a fiber board. As for Counsel's argument regarding a continuous process. First of all, the claims as presently recited do not positively require a continuous process, because the recitation in a preamble of a process being continuous is given very little, if any, patentable weight. The preamble fails give life and meaning to the recited body of the claims. It is just taken to be an intended application of the recited process. Moreover, one can effectively subject a resultant fiber board taught by Tisch to a baking and humidification operation by either simply reducing the line speed of a process taught by Tisch **or** subjecting a resultant board in a process of Tisch to a post-treatment operation in a batch-wise manner.

As for Counsel's argument regarding the recited grinding operation, as noted above, this fails to define over a sanding operation.

NOTE: if it is Counsel's intention to require forming a fiberboard in a continuous in-line process, it is suggested to amend claims to positively add such limitation in the body of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone

Art Unit: 1733

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
07-30-04